

TUPITZA, ALTMAN & BRYMAN, P.C.
By: JONATHAN F. ALTMAN, ESQUIRE
PA Attorney I.D. #25679
212 West Gay Street
West Chester, PA 19380
(610) 696-2600

Attorneys for Defendants
Harold M. Harper, III and
Roberta E. Harper

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<i>COLUMBIA GAS TRANSMISSION CORPORATION,</i>)	
)	
)	
Plaintiff,)	C.A. No. 02-CV-3733
)	
v.)	
)	
<i>AN EASEMENT TO CONSTRUCT, OPERATE AND</i>)	
<i>MAINTAIN A 24-INCH GAS TRANSMISSION</i>)	
<i>PIPELINE ACROSS PROPERTIES IN CHESTER</i>)	
<i>COUNTY, PENNSYLVANIA, OWNED BY JAY PAR</i>)	
<i>AND PAR ANBIL, et al. and UNKNOWN PERSONS</i>)	
<i>AND INTERESTED PARTIES,</i>)	
)	
Defendants.)	
)	
)	

ORDER

Upon consideration of Plaintiff Columbia Gas Transmission Corporation's Motion for Partial Summary Judgment and all materials submitted in support of and in opposition to the Motion

It is HEREBY ORDERED that Motion is DENIED.

Date: _____

J.

TUPITZA, ALTMAN & BRYMAN, P.C.
By: JONATHAN F. ALTMAN, ESQUIRE
PA Attorney I.D. #25679
212 West Gay Street
West Chester, PA 19380
(610) 696-2600

Attorneys for Defendants
Harold M. Harper, III and
Roberta E. Harper

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<i>COLUMBIA GAS TRANSMISSION CORPORATION,</i>)	
)	
)	
Plaintiff,)	C.A. No. 02-CV-3733
)	
v.)	
)	
<i>AN EASEMENT TO CONSTRUCT, OPERATE AND</i>)	
<i>MAINTAIN A 24-INCH GAS TRANSMISSION</i>)	
<i>PIPELINE ACROSS PROPERTIES IN CHESTER</i>)	
<i>COUNTY, PENNSYLVANIA, OWNED BY JAY PAR</i>)	
<i>AND PAR ANBIL, et al. and UNKNOWN PERSONS</i>)	
<i>AND INTERESTED PARTIES,</i>)	
)	
Defendants.)	
)	
)	
)	

**DEFENDANTS', HAROLD M. HARPER, III AND ROBERTA E. HARPER, ANSWER
TO PLAINTIFF COLUMBIA GAS TRANSMISSION CORPORATION'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

Defendants, Harold M. Harper, III and Robert E. Harper (the "Harpers"), respectfully submit their Answer to the Motion for Partial Summary Judgment filed by Plaintiff Columbia Gas Transmission Corporation ("Columbia") and the accompanying Memorandum of Law in Opposition to Plaintiff's Motion for Partial Summary Judgment;

1. Admitted.

2. Admitted in part; denied in part. It is admitted that the Harpers are defendants in the above-captioned condemnation action and that the Harpers have filed an answer raising objections to the condemnation. The Harpers deny Columbia's allegation that there is no genuine issue of

material fact as to Columbia's authority under the Natural Gas Act to condemn the easement in so far as the easement affects the Harper's real property located at 1 Buckingham Drive, Uwchland, Pennsylvania (the "Property"). The Harpers admit Columbia's allegation that the issue of just compensation remains to be decided.

3. Admitted in part; denied in part. The Harpers deny that Columbia is entitled to Summary Judgment. The Harpers are without knowledge or information sufficient to ascertain the truth or falsity of the allegation that Columbia needs to take possession by May 1, 2003 in order to meet a construction schedule. The Harpers deny Columbia's allegation that there is no dispute as to Columbia's authority to condemn the easement, in so far as it effects the Property

WHEREFORE, for the reasons stated above and in the accompanying materials submitted in Opposition and Memorandum of Law, the Harpers respectfully request that this Honorable Court deny Columbia's Motion for Partial Summary Judgment.

TUPITZA, ALTMAN & BRYMAN, P.C.

Dated: April 1, 2003

By: JONATHAN F. ALTMAN, ESQUIRE
Attorney for Defendants Harold M. Harper, III
and Robert E. Harper

TUPITZA, ALTMAN & BRYMAN, P.C.
By :JONATHAN F. ALTMAN, ESQUIRE
PA Attorney I.D. #25679
212 West Gay Street
West Chester, PA 19380
(610) 696-2600

Attorneys for Defendants
Harold M. Harper, III and
Roberta E. Harper

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

<i>COLUMBIA GAS TRANSMISSION CORPORATION,</i>)	
)	
)	
Plaintiff,)	C.A. No. 02-CV-3733
)	
v.)	
)	
<i>AN EASEMENT TO CONSTRUCT, OPERATE AND</i>)	
<i>MAINTAIN A 24-INCH GAS TRANSMISSION</i>)	
<i>PIPELINE ACROSS PROPERTIES IN CHESTER</i>)	
<i>COUNTY, PENNSYLVANIA, OWNED BY JAY PAR</i>)	
<i>AND PAR ANBIL, et al. and UNKNOWN PERSONS</i>)	
<i>AND INTERESTED PARTIES,</i>)	
)	
Defendants.)	
)	
)	
)	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the **DEFENDANTS', HAROLD M. HARPER, III AND ROBERTA E. HARPER, ANSWER TO PLAINTIFF COLUMBIA GAS TRANSMISSION CORPORATION'S MOTION FOR PARTIAL SUMMARY JUDGMENT** was sent to the following via First Class Mail on the date set forth below:

Thomas J. McGarrigle, Esquire
REED SMITH, LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301

Kevin C. Abbott, Esquire
REED SMITH, LLP
435 Sixth Avenue
Pittsburgh, PA 15219

DATED: April 1, 2003

TUPITZA, ALTMAN & BRYMAN, P.C.

By: _____
JONATHAN F. ALTMAN, ESQUIRE
Attorney for Defendants Harold M. Harper, III
and Robert E. Harper